

AMENDMENT

IN THE CLAIMS:

Please cancel claims 1, 10, and 26 without prejudice. Please amend claims 2, 4, 6, 11-13, 15, 17, and 27-29 and add new claims 48-57 pursuant to 37 C.F.R. §1.121 as follows (see the accompanying "marked up" version pursuant to 37 C.F.R. §1.121):

1. Canceled

CA 2b D1
2. (Amended) The method according to claim 48, wherein the modification of genomic DNA resulting in inactivation of a *CASP8* gene is detected by detecting the absence of a *CASP8* protein in a sample from a cell.

3. (Unchanged) The method according to claim 2, wherein the absence of a *CASP8* protein is detected by a method selected from the group consisting of immunoassay and biochemical assay.

C2
4. (Amended) The method according to claim 48, wherein the modification of genomic DNA resulting in inactivation of a *CASP8* gene is methylation of *CASP8* promoter.

5. (Unchanged) The method according to claim 4, wherein methylation of the *CASP8* promoter is detected by methylation polymerase chain reaction (PCR) assay.

C3 6. (Amended) The method according to claim 48, wherein the modification of genomic DNA resulting in inactivation of a *CASP8* gene is a mutation in the *CASP8* genomic gene.

7. (Unchanged) The method according to claim 6, wherein the mutation is selected from the group consisting of an insertion in the gene, a deletion of the gene, a truncation of the gene, a nonsense mutation, a frameshift mutation, a splice-site mutation, and a missense mutation.

8. (Unchanged) The method according to claim 6, wherein the mutation is a deletion in the *CASP8* gene.

9. (Unchanged) The method according to claim 8, wherein deletion of the *CASP8* gene is detected with a labeled nucleic acid probe.

/ 10. Canceled

C4 11. (Amended) The method according to claim 51, wherein the cancer is a tumor in which a *myc* gene is amplified.

12. (Amended) The method according to claim 51, wherein the cancer is a neuroblastoma.

CH p. 3
Cont

13. (Amended) The method according to claim 51, wherein the modification of genomic DNA resulting in inactivation of a *CASP8* gene is detected by detecting the absence of a *CASP8* protein in a sample from a cell.

14. (Unchanged) The method according to claim 13, wherein the absence of a *CASP8* protein is detected by a method selected from the group consisting of immunoassay and biochemical assay.

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15. (Amended) The method according to claim 51, wherein the modification of genomic DNA resulting in inactivation of a *CASP8* gene is methylation of *CASP8* promoter.

16. (Unchanged) The method according to claim 15, wherein methylation of the *CASP8* promoter is detected by methylation polymerase chain reaction (PCR) assay.

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17. (Amended) The method according to claim 51, wherein the modification of genomic DNA resulting in inactivation of a *CASP8* gene is a mutation in the *CASP8* genomic gene.

18. (Unchanged) The method according to claim 17, wherein the mutation is selected from the group consisting of an insertion in the gene, a deletion of the gene, a truncation of the gene, a nonsense mutation, a frameshift mutation, a splice-site mutation, and a missense mutation.

19. (Unchanged) The method according to claim 17, wherein the mutation is a deletion in the *CASP8* gene.

20. (Unchanged) The method according to claim 19, wherein deletion of the *CASP8* gene is detected with a labeled nucleic acid probe.

26. Canceled

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27. (Amended) The kit of claim 55, wherein the detection assay is an immunoassay.

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28. (Amended) The kit of claim 55, wherein the detection assay comprises oligonucleotide PCR primers for amplification of at least a part of *CASP8* genomic DNA.

29. (Amended) The kit of claim 55, wherein the detection assay comprises a labeled oligonucleotide of at least 15 bases that specifically hybridizes to *CASP8* genomic DNA.

C8
48. (New) A method for detecting inactivation of a *CASP8* gene, comprising detecting a modification of genomic DNA comprising the *CASP8* gene, wherein such a modification results in the absence of expression of at least one *CASP8* allele and reduction in the total level of expression of *CASP8* protein to below that necessary for proper cellular regulation.

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D8
49. (New) The method according to claim 48, wherein the modification of genomic DNA resulting in inactivation of a *CASP8* gene is detected by detecting the absence of a *CASP8* mRNA in a sample from a cell.

50. (New) The method according to claim 49, wherein *CASP8* mRNA is detected by a method selected from the group consisting of Northern blotting and reverse transcriptase-polymerase chain reaction (RT-PCR) assay.

51. (New) A method for diagnosis or prognosis of a cancer comprising detecting inactivation of a *CASP8* gene, wherein inactivation of the *CASP8* gene results in the absence of expression of at least one *CASP8* allele and reduction in the total level of expression of *CASP8* protein to below that necessary for proper cellular regulation, and is indicative of the presence of a cancer or a poor prognosis for outcome of treatment of the cancer by conventional therapies.

52. (New) The method according to claim 51, wherein the modification of genomic DNA resulting in inactivation of a *CASP8* gene is detected by detecting the absence of a *CASP8* mRNA in a sample from a cell.

53. (New) The method according to claim 52, wherein *CASP8* mRNA is detected by a method selected from the group consisting of Northern blotting and reverse transcriptase-polymerase chain reaction (RT-PCR) assay.

54. (New) The method according to claim 51, wherein the modification of genomic DNA resulting in inactivation of a *CASP8* gene is selected from the group consisting of homozygous deletion, heterozygous deletion coupled with gene silencing by methylation, and homozygous gene silencing by methylation.

55. (New) A kit for detecting inactivation of a *CASP8* gene comprising an assay for detecting a modification of genomic DNA comprising the *CASP8* gene, wherein such a